

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

EDGARDO RODRIGUEZ,

Petitioner,

v.

B.M. TRATE, et al.,

Respondents.

Case No. 1:23-cv-01008-JLT-SAB-HC

ORDER VACATING JULY 11, 2023  
SCHEDULING ORDER (ECF No. 5)

ORDER SETTING BRIEFING SCHEDULE

ORDER TO ELECTRONICALLY FILE  
TRANSCRIPTS AND OTHER NECESSARY  
DOCUMENTS

Petitioner, represented by counsel, is a federal prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On July 11, 2023, the Court ordered Respondent to respond to the petition and set a briefing schedule. (ECF No. 5.) On September 5, 2023, the parties filed a stipulation for relating multiple cases and for a modified briefing schedule. (ECF No. 8.) On September 25, 2023, the Court related and reassigned the cases. (ECF No. 10.)

In light of the Court's order relating and reassigning cases and the parties' stipulation for a modified briefing schedule, the Court HEREBY ORDERS:

1. The July 11, 2023 scheduling order (ECF No. 5) is VACATED.
2. On or before October 19, 2023, Respondent SHALL FILE a RESPONSE to the Petition. A Response can be made by filing one of the following:

1 A. AN ANSWER addressing the merits of the Petition. Any argument  
2 by Respondent that Petitioner has procedurally defaulted a claim SHALL  
3 BE MADE in the ANSWER, but must also address the merits of the claim  
4 asserted.

5 B. A MOTION TO DISMISS the Petition.

6 3. On or before October 19, 2023, Respondent SHALL FILE any and all transcripts  
7 or other documents necessary for the resolution of the issues presented in the  
8 Petition. See Rule 5(c), Rules Governing Section 2254 Cases. **The transcripts or**  
9 **other documents shall only be filed electronically and, to the extent**  
10 **practicable, provided in Optical Character Recognition (“OCR”) format.**  
11 **Respondent shall not file a hard copy of the transcripts or other documents**  
12 **unless so ordered by this Court.**

13 4. Any Reply to Respondent’s Response is due on or before December 21, 2023.

14 Extensions of time will only be granted upon a showing of good cause. All provisions of  
15 Local Rule 110 are applicable to this order.

16 IT IS SO ORDERED.

17 Dated: September 26, 2023

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20 UNITED STATES MAGISTRATE JUDGE  
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